(24,607)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1915.

No. 389.

WILLIAM P. CROSS, APPELLANT,

vs.

THE UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

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1 I. *Petition. Filed July 7, 1913.*

United States Court of Claims.

No. 32546.

WILLIAM P. CROSS
vs.
UNITED STATES.

Petition.

To the Honorable the Chief Justices and Judges of the United States Court of Claims:

Your petitioner, William P. Cross, a citizen of the United States, residing at Providence, in the State of Rhode Island, respectfully represents:

I.

That from July 1, 1907, to October 1, 1912, he was clerk of the United States Circuit and District Courts for the District of Rhode Island, duly appointed, qualified and acting.

II.

That during said period petitioner as such clerk performed services for and in behalf of the United States and his accounts for fees thus earned, duly verified by his oath and approved by the Court as required by the Act approved February 22, 1895, were pre-
2 sented through the Department of Justice to and were finally acted on by the Accounting Officers of the Treasury Department and said accounts were in part allowed and paid, but a part thereof were disallowed and payment thereof was refused and has not been paid, amounting to $4,059.50.

III.

The items disallowed are as follows:

Quarter ending September 30, 1907:

Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization:

3 folios each 30c.; seal 20c.; 238 at 50c..... $119.00

Quarter ending December 31, 1907:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization:
3 folios each 30c.; seal 20c.; 301 at 50c..... 150.50

Quarter ending March 31, 1908:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 399 at 50c..... 199.50

Quarter ending June 30, 1908:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization:
3 folios each 30c.; seal 20c.; 445 at 50c..... 222.50

Quarter ending September 30, 1908:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 225 at 50c..... 117.50

3 Quarter ending December 31, 1908:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 253 at 50c..... 126.50

Quarter ending March 31, 1909:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
287 at 50c. 143.50

Quarter ending June 30, 1909:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 436 at 50c..... 218.00

Quarter ending September 30th, 1909:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 334 at 50c..... 167.00

Quarter ending December 31, 1909:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c..... 227.50

Quarter ending March 31, 1910:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c..... 180.50

Quarter ending June 30, 1910:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
4 3 folios each 30c.; seal 20c.; 544 at 50c..... 272.50

Quarter ending September 30, 1910:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 314 at 50c..... 157.00

Quarter ending December 31, 1910:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 444 at 50c..... 222.00

Quarter ending March 31, 1911:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 387 at 50c..... 193.50

Quarter ending June 30, 1911:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 587 at 50c..... 293.50

Quarter ending September 30, 1911:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 373 at 50c..... 186.50

Quarter ending December 31, 1911:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 528 at 50c..... 264.00

5 Quarter ending March 31, 1912:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 426 at 50c..... 213.00

Quarter ending June 30, 1912:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 429 at 50c..... 214.50

Quarter ending September 30, 1912:
Making by direction of the Department of Commerce and Labor, triplicate original Declarations of Intention for Naturalization, as follows:
3 folios each 30c.; seal 20c.; 344 at 50c..... 172.00

$4,059.50

IV.

No action than as aforesaid has been had on this claim in the Courts or by any Department of the Government. The petitioner is the sole owner of this claim, and the only person interested therein, and no assignment or transfer thereof, or any part or interest therein, has been made.

The petitioner is justly entitled to the amount herein claimed from the United States, after allowing all just credits and set-offs, and he believes the facts as stated in his petition to be true.

Wherefore, your petitioner prays judgment against the United States in the sum of $4,059.50.

WILLIAM P. CROSS,
Petitioner.

6 *Clerk's Certificate.*

STATE OF RHODE ISLAND,
County of Providence, ss:

Before me, Thomas Hope, Deputy Clerk of the United States District Court, District of Rhode Island, personally appeared William P. Cross, who being duly sworn, deposes and says that he is the petitioner named in the foregoing petition; that he has read the same,

and that the facts therein stated are true to the best of his knowledge and belief.

WILLIAM P. CROSS.

Subscribed and sworn to before me this 19th day of June, A. D. 1913.

THOMAS HOPE,
Deputy Clerk United States District Court,
District of Rhode Island.

FRANK B. CROSTHWAITE,
Attorney for Petitioner.

7 II. *Traverse. Filed February* 10, 1915.

In the Court of Claims of the United States, December Term, A. D. 1914.

No. 32546.

WILLIAM P. CROSS
vs.
THE UNITED STATES.

And now comes the Attorney General, on behalf of the United States, and answering the petition of the claimant herein, denies each and every allegation therein contained; and asks judgment that the petition be dismissed.

HUSTON THOMPSON,
Assistant Attorney General.
J. R. W.

8 III. *Submission of Case.*

On February 10, 1915, this case was submitted without argument by Mr. F. B. Crosthwaite, for claimant, and Mr. Horace S. Whitman, for defendants.

9 IV. *Findings of Fact and Conclusion of Law. Filed February 15, 1915.*

Court of Claims of the United States.

No. 32546.

WILLIAM P. CROSS
v.
THE UNITED STATES.

This case having been heard by the Court of Claims the court, upon the evidence, makes the following

Findings of Fact.

I.

The claimant, William P. Cross, was clerk of the United States District Court for the District of Rhode Island, from July 1, 1907, to October 1, 1912.

II.

During said period his accounts for fees earned in his official capacity were verified by his oath, approved by the Court as required by the Act approved February 22, 1875, and finally acted upon by the Accounting Officers of the Treasury Department, and part of the same were allowed and paid, but part thereof as more
10 specifically set forth in Finding III, were disallowed and no part of the same have been paid.

III.

The items disallowed were as follows:

For making by the direction of the Department of Commerce and Labor, triplicate copies of original declarations of intention for naturalization, 8,110 declarations at 3 folios each, 24,330 folios, at 10 cents each.....	$2,433.00
For attaching seal as required by the Department of Commerce and Labor to each of 8,110 declarations at 20 cents each	1,622.00
Total.....	$4,055.00

IV.

The claimant prepared three copies of the declarations of intention of aliens to become citizens of the United States in each of 8,110 cases, each copy having been signed by the declarant and the

jurat to each copy was signed by the claimant. One copy is retained on file in the office of the clerk of the United States District Court, another copy is delivered to the declarant and the third copy is forwarded to the Bureau of Immigration and Naturalization under
Rule 22 of the Regulations of the Department of Commerce
11 and Labor, said rule being authorized by Section 12 of the Naturalization Law.

V.

The claimant collected one dollar ($1.00) from each declarant, "for receiving and filing a declaration of intention and issuing a dpplicate thereof," one-half of which was paid over to the Bureau of Immigration and Naturalization in accounts rendered quarterly, as provided by Section 13 of the Naturalization Law.

VI.

The claimant presented in his regular accounts for fees earned as clerk of the United States Court, a charge of ten cents (10 cents) per folio for three folios for each declaration and a charge of twenty cents for seal in each case, aggregating four thousand and fifty-five dollars ($4,055), for making the copies which were forwarded to the Bureau of Immigration and Naturalization, and all of said charges have been disallowed by the Accounting Officers of the Treasury Department.

The claimant has received no compensation from any source for said copies of declarations.

VII.

12 The fees claimed in this case are for services performed between July 1, 1907, and October 1, 1912, and the allowance of said fees will not increase the maximum allowed by law to him for any portion of that period.

Conclusion of Law.

Upon the foregoing findings of fact the court decides, as a conclusion of law, that the claimant is not entitled to recover, and his petition is therefore dismissed.

13 V. *Judgment of the Court.*

At a Court of Claims held in the City of Washington on the 15th day of February, 1915, judgment was ordered to be entered — follows:

The Court on due consideration of the premises, find for the defendants and do order, adjudge and decree, that the petition of William P. Cross, claimant, be and the same is hereby dismissed.

BY THE COURT.

14 VI. *Application for and Allowance of Appeal.*

From the judgment rendered in the above-entitled cause on the fifteenth day of February, 1915, in favor of the defendant, the claimant, by his attorney, on the 18th day of February, 1915, makes application for, and gives notice of an appeal to the Supreme Court of the United States.

F. B. CROSTHWAITE,
Attorney for Claimant.

Filed February 18, 1915.

Ordered: That the above appeal be allowed as prayed for.

BY THE COURT.

February 18, 1915.

15 Court of Claims.

No. 32546.

WILLIAM P. CROSS
vs.
THE UNITED STATES.

I, John Randolph, Assistant Clerk Court of Claims, certify that the foregoing are true transcripts of pleadings in the above-entitled cause; of the submission of case; of the findings of fact, and conclusion of law; of the judgment of the Court dismissing petition of claimant; of the claimant's application for, and allowance of, an appeal to the Supreme Court of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this 20" day of February, A. D. 1915.

[Seal Court of Claims.]

JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

Endorsed on cover: File No. 24,607. Court of Claims. Term No. 389. William P. Cross, appellant, vs. The United States. Filed March 8th, 1915. File No. 24,607.